

L. Scott Keehn (SBN 61691)
Lynn M. Beekman (SBN 149325)
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Special Counsel for
RICHARD KIPPERMAN, Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA

In re:	)	CASE NO. 99-33191-B7
)	
SARA NEWSOME BURNS , an individual,	)	ADV. NO. 01-90355-B7
)	
Debtor.)	
_____	)	TRUSTEE’S REQUEST FOR
RICHARD KIPPERMAN , Trustee,	)	JUDICIAL NOTICE IN OPPOSITION
	)	TO CREDITOR BRADLEY PROULX’S
	)	MOTION FOR SUMMARY
	)	JUDGMENT
Plaintiff,)	
)	
v.	)	Date: December 17, 2001
	)	Time: 2:30 p.m.
BRADLEY PROULX , an individual,	)	Dept: 4
	)	Judge: Hon. Peter W. Bowie
)	
Defendant.)	
_____)	

Plaintiff RICHARD KIPPERMAN (hereinafter the "Trustee"), hereby requests the Court take judicial notice, under Federal Rules of Evidence Rule 201, of the following facts submitted to the Court in opposition to the motion for summary judgment brought by defendant/creditor BRADLEY PROULX.

///

///

ROBBINS & KEEHN, APC
ATTORNEYS AT LAW
2400 UNION BANK BUILDING - 530 "B" STREET
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<u>Exh.:</u>	<u>Date:</u>	<u>Description:</u>
"A"	September 24, 1991	The United States commenced an action in Federal District Court entitled <i>United States ex rel Newsome v. Family Practice Associates, et al.</i> , Civil Action No. 91-1325-E(P) (the "Federal Action"): CIVIL DOCKET for <i>United States ex rel Newsome v. Family Practice Associates, et al.</i> , Civil Action No. 91-1325-E(P) - Item 1.
"B"	July 2, 1996	<i>United States ex rel Newsome v. Family Practice Associates, et al.</i> is dismissed with prejudice in accordance with a Settlement Agreement and Release dated June 28, 1996 (the "Settlement Agreement"): STIPULATION AND ORDER DISMISSING THE ACTION.
"C"	July 22, 1997	Order on Stipulation for Order Modifying Settlement Agreement is entered by the Federal Court in the Federal Action: ORDER ON STIPULATION FOR ORDER MODIFYING SETTLEMENT AGREEMENT.
"D"	January 25, 1999	Debtor filed a Chapter 13 bankruptcy petition with this Court, Case No. 99-00811-B13: VOLUNTARY PETITION.
"E"	February 19, 1999	Bankruptcy Court entered its "Order Authorizing Payment," instructing the United States to pay all sums due to the Debtor under the Settlement Agreement: ORDER AUTHORIZING PAYMENT.
"F"	July 22, 1999	Order Dismissing Chapter 13 Action is entered: ORDER DISMISSING CHAPTER 13 CASE ON REQUEST BY DEBTOR.
"G"	August 2, 1999	Proulx filed a Notice of Judgment Lien with the California Secretary of State, which created a lien in his favor as of that date pursuant to C.C.P. §697.510(a): STATE OF CALIFORNIA NOTICE OF JUDGMENT LIEN ON PERSONAL PROPERTY.
"H"	August 13, 1999	Debtor filed her petition for relief under Chapter 7, commencing the instant bankruptcy proceedings. The filing set the preference recovery date under 11 U.S.C. § 547 as May 12, 1999: VOLUNTARY PETITION.
"T"	September 14, 2001	The Bankruptcy Court enters its "Order Approving Ex Parte Application by Trustee for Authority to Employ Robbins & Keehn as Special Counsel": ORDER APPROVING EX PARTE APPLICATION BY TRUSTEE FOR AUTHORITY TO EMPLOY ROBBINS & KEEHN AS SPECIAL COUNSEL.

Dated: December 5, 2001

ROBBINS & KEEHN
A Professional Corporation

By: /s/ L. Scott Keehn
L. Scott Keehn
Lynn M. Beekman
Special Counsel for
RICHARD KIPPERMAN, CHAPTER 7 TRUSTEE

EXHIBIT A

Docket as of July 28, 1999 7:01 pm

Web PACER (v2.3)

U.S. District Court
Southern District of California (San Diego)
CIVIL DOCKET FOR CASE #: 91-CV-1325
USA, et al v. Family Practice Asso, et al

Filed: 09/24/91
Assigned to: Judge Judith N. Keep
Jury demand: Plaintiff
Referred to: Magistrate Judge Louisa S. Porter
Demand: \$0,000
Nature of Suit: 690
Lead Docket: None
Jurisdiction: US Plaintiff
Dkt# in other court: None
Cause: 31:3729 False Claims Act

USA, by ex rel plaintiff,
Sara Newsome
plaintiff
SARA NEWSOME
plaintiff

John G Appel, JR
(619) 232-1209
[COR LD NTC]
Law Offices of John G Appel Jr
402 West Broadway
Suite 400
San Diego, CA 92101-3554
546-3000
Robert P Lowell
[term 07/01/97]
(619) 233-0700
[COR LD NTC]
Lowell and Robbin
707 Broadway
Suite 1700
San Diego, CA 92101-5311
(619) 236-1142
Guillermo Marrero
[term 02/13/95]
(619) 236-1048
[COR LD NTC]
Gray Cary Ware and Freidenrich
401 B Street
Suite 1700
San Diego, CA 92101-4297

EXHIBIT A

(619)699-2700
Judith Beckett Oakes
[COR LD NTC]
Law Offices of Linda S Robinson
707 Broadway
Suite 1700
San Diego, CA 92101-5311
696-5277
Linda S Robinson
(619)551-6884
[COR LD NTC]
Law Offices of Linda S Robinson
2223 Avenida De La Playa
La Jolla, CA 92037
(619)551-6880

v.

FAMILY PRACTICE ASSOCIATION OF
SAN DIEGO, an Osteopathic corp
defendant
[term 02/08/96]

Pamela J Naughton
[term 02/08/96]
(619)236-0429
[COR LD NTC ret]
Baker and McKenzie
101 West Broadway
Suite 1200
San Diego, CA 92101-8213
(619)236-1441
Robert G Steiner
[term 02/08/96]
[COR LD NTC]
Luce Forward Hamilton and
Scripps
600 West Broadway
Suite 2600
San Diego, CA 92101-3391
(619)236-1414
Breckinridge L Willcox
[term 02/08/96]
[COR LD NTC]
Arent Fox Kintner Plotkin &
Kahn
Washington Square
1050 Connecticut Avenue NW
Washington, DC 20036
(202)857-6000
Pamela J Naughton
(See above)
[COR LD NTC ret]
Robert G Steiner
(See above)
[COR LD NTC]
Alan E Reider
[COR LD NTC]
Breckinridge L Willcox
(See above)
[COR LD NTC]
Arent Fox Kintner Plotkin &
Kahn
Washington Square
1050 Connecticut Avenue NW
Washington, DC 20036
(202)857-6000

SETH M FLAM
defendant

BRADLEY PROULX
claimant

Bryan D Sampson
(619) 557-9425
[COR LD NTC]
Sampson and Associates
2139 First Avenue
San Diego, CA 92101-2013
(619) 557-9420

MICHAEL J FEINSTEIN
defendant

Pamela J Naughton
(619) 236-0429
[COR LD NTC ret]
Baker and McKenzie
101 West Broadway
Suite 1200
San Diego, CA 92101-8213
(619) 236-1441
Alan E Reider
[COR LD NTC]
Breckinridge L Willcox
[COR LD NTC]
Arent Fox Kintner Plotkin &
Kahn
Washington Square
1050 Connecticut Avenue NW
Washington, DC 20036
(202) 857-6000

SOL LIZERBRAM
defendant

Pamela J Naughton
(See above)
[COR LD NTC ret]
Alan E Reider
(See above)
[COR LD NTC]
Breckinridge L Willcox
(See above)
[COR LD NTC]

HOWARD A HASSMAN
defendant

Pamela J Naughton
(See above)
[COR LD NTC ret]
Alan E Reider
(See above)
[COR LD NTC]
Breckinridge L Willcox
(See above)
[COR LD NTC]

KEVIN ELLIS
defendant

Alan E Reider
(See above)
[COR LD NTC]
Breckinridge L Willcox
(See above)
[COR LD NTC]

STEVEN J HERNANDEZ
defendant

Alan E Reider
(See above)
[COR LD NTC]
Breckinridge L Willcox
(See above)
[COR LD NTC]

DOES, 1 through 100, inclusive
defendant
FPA MEDICAL MANAGEMENT, INC.,
a Delaware corporation
defendant

DOCKET PROCEEDINGS

DATE	#	DOCKET ENTRY
9/24/91	1	Complaint Filed; Summons(es) issued 10/23/91 (referred to Magistrate Louisa S. Porter) Receipt No/Amt of Fee: #31301, \$120.00 (mam) [Entry date 10/07/94]
9/26/91	2	Ex Parte Petition by plaintiff Sara Newsome and order thereon re sealing of complaint. (mam) [Entry date 10/07/94]
10/7/91	3	Minutes: Enter Order by Judge Edward J. Schwartz Case reassigned to Judge William B. Enright (cc: all counsel) Court Reporter: n/a (mam) [Entry date 10/07/94]
11/21/91	4	Document Sealed (pursuant to Court Order); ex parte status report re extension of time to intervene. (mam) [Entry date 10/07/94]
12/24/91	5	Document Sealed (pursuant to Court Order); ex parte motion by USA for 90 day extension of time (mam) [Entry date 10/07/94]
12/24/91	6	Document Sealed (pursuant to Court Order) re document sealed [5-1] ;decl of Dara C Pfeiffer (mam) [Entry date 10/07/94]
12/24/91	7	Document Sealed (pursuant to Court Order) re document sealed [5-1] order granting extension. (mam) [Entry date 10/07/94]
3/24/92	8	Document Sealed (pursuant to Court Order); unopposed motion for extension of time to intervene and order thereon. (mam) [Entry date 10/07/94]
6/22/92	9	Document Sealed (pursuant to Court Order); motion and order for extension of time to intervene and keep records under seal. (mam) [Entry date 10/07/94]
10/2/92	9	Document Sealed (pursuant to Court Order) ex parte motion to extend time (seal) [Entry date 04/27/95]
6/23/93	9	Document Sealed (pursuant to Court Order) ex parte motion for extension of time. (seal) [Entry date 04/27/95]
9/16/93	10	Document Sealed (pursuant to Court Order); ex parte motion for extension of time and order thereon. (mam) [Entry date 10/07/94]

12/23/93 9 Document Sealed (pursuant to Court Order) ex parte motion and order. (seal) [Entry date 04/27/95]

1/4/94 10 Document Sealed (pursuant to Court Order) Ex parte motion for extension of time to consider election to intervene. (seal) [Entry date 04/27/95]

3/14/94 11 Document Sealed (pursuant to Court Order); ex parte application by USA for partial lifting of seal and for an extension of time to intervene and order thereon granting extension to 6/18/94. (mam) [Entry date 10/07/94]

6/22/94 12 Document Sealed (pursuant to Court Order); ex parte motion by USA to extend time to intervene and for case to remain sealed until 8/17/94 and order granting motion. (mam) [Entry date 10/07/94]

8/17/94 13 Notice by plaintiff USA of filing election of United States not to intervene. (mam) [Entry date 10/07/94]

9/26/94 14 Order by Judge William B. Enright that seal be lifted on all pleadings and orders previously or hereafter filed in this proceeding, with the exception that the seal shall be maintained on any pleadings and supporting materials filed by USA requesting add'l time in which to consider whether to intervene in this case; that relator shall promptly serve on dfts the complaint, the notice of election of USA not to intervene and this order only; that if relator decides to proceed, that USA shall be served copies of all pleadings filed; that USA must be informed of any action to settle or dismiss this lawsuit and the consent of the Attorney General must be obtained prior to entry of order of dismissal and that USA may intervene in this action at a later date for good cause shown. (cc: all counsel) (mam) [Entry date 10/07/94]

11/29/94 15 Ex Parte Motion by plaintiff Sara Newsome to extend time during which the complaint and other documents shall remain filed under seal [motion(s) referred to Judge William B. Enright] (rc)

11/29/94 15 Order by Judge William B. Enright granting motion to extend time during which the complaint and other documents shall remain filed under seal [15-1] under seal from 12/14/94 through and including 3/13/95 (cc: all counsel) (rc)

2/8/95 16 Minutes: Enter Order by Judge William B. Enright ; upon the court's own motion, a status conference is scheduled on 3/13/95 at 10:30 in courtroom 3 (unsealed per court order #25) (bar) [Entry date 07/28/99]

2/13/95 17 Attorney Substitution: terminating attorney Guillermo Marrero for Sara Newsome and substituting attorney Linda S Robinson, Judith Beckett Oakes (seal) [Entry date 02/24/95]

3/10/95 18 Notice by plaintiff Sara Newsome of association of attorney Robert P Lowell and attorney David S Robbin. (seal)

[Entry date 03/17/95]

- 3/10/95 19 Sealed Document; request by pla (pursuant to LR 79.2, docs returned to filer on 4/27/99) (seal) [Entry date 03/17/95] [Edit date 05/18/99]
- 3/10/95 20 Sealed document; Declaration of Linda S Robinson (pursuant to LR 79.2, docs returned to filer on 4/27/99) (seal) [Entry date 03/17/95] [Edit date 05/18/99]
- 3/13/95 21 Minutes: Enter Order by Judge William B. Enright ; Status conf held and continued to 10:30 4/17/95 Court Reporter: Israel Van Bramer (seal) [Entry date 03/17/95]
- 3/16/95 22 Order by Judge William B. Enright granting request to extend time during which complaint shall remain under seal to 4/17/95 [19-1] (cc: all counsel) (seal) [Entry date 03/17/95]
- 4/14/95 23 First Amended complaint [1-1]; adding Michael J Feinstein, Sol Lizerbram, Howard A Hassman, Kevin Ellis, Steven J Hernandez and Does 1-100, inclusive. (seal) [Entry date 04/18/95]
- 4/17/95 24 Minutes: Enter Order by Judge William B. Enright unsealing case with the exception of certain documents - plaintiff to prepare specific order. Case referred to Magistrate Porter for pretrial proceedings. Court Reporter: Israel Van Bramer (seal) [Entry date 04/19/95]
- 4/18/95 25 Order by Judge William B. Enright unsealing case case unsealed partially (specified documents to remain under seal - docketed as sealed documents) (seal) [Entry date 04/19/95]
- 4/18/95 -- Summons issued as to defendant Kevin Ellis (seal) [Entry date 04/19/95]
- 5/1/95 26 Order by Judge William B. Enright to make copies of sealed documents for pla's atty and then reseal sealed documents for pla's atty to review. (cc: all counsel) (rc) [Entry date 05/02/95]
- 5/3/95 28 Proof of service by plaintiff Sara Newsome of: Summons and 1st amd cmp, ntc to preserve evidence; order partially lifting seal, ntc of election of US not to intervene, order (rc) [Entry date 05/12/95]
- 5/8/95 27 Minutes: Enter Order by Judge William B. Enright The Honorable Judge William B Enright hereby recuses himself fro the case and Case reassigned to Judge Judith N. Keep (cc: all counsel, Judge transfer letter mld) Court Reporter: n/a (rc) [Entry date 05/09/95]
- 5/11/95 29 Notice of Motion and Motion by defendant Family Practice Asso, defendant Seth M Flam, defendant Michael J Feinstein, defendant Sol Lizerbram, defendant Howard A Hassman, defendant Kevin Ellis, defendant Steven J Hernandez to dismiss 1st amd cmp [referred to Judge Judith N. Keep] hrg 8/14/95 10:30 (rc) [Entry date 05/12/95]

- 5/11/95 30 Memorandum of points and authorities by defendant Family Practice Asso, defendant Seth M Flam, defendant Michael J Feinstein, defendant Sol Lizerbram, defendant Howard A Hassman, defendant Kevin Ellis, defendant Steven J Hernandez in support of motion to dismiss 1st amd cmp [29-1] (rc) [Entry date 05/12/95]
- 5/11/95 31 Declaration of Kelly Capen by defendant Family Practice Asso, defendant Seth M Flam, defendant Michael J Feinstein, defendant Sol Lizerbram, defendant Howard A Hassman, defendant Kevin Ellis, defendant Steven J Hernandez re motion to dismiss 1st amd cmp [29-1] hrg 8/14/95 10:30 t/w exhibits (rc) [Entry date 05/12/95]
- 5/11/95 32 Request for Judicial Notice by defendant Family Practice Asso, defendant Seth M Flam, defendant Michael J Feinstein, defendant Sol Lizerbram, defendant Howard A Hassman, defendant Kevin Ellis, defendant Steven J Hernandez motion to dismiss 1st amd cmp [29-1] (rc) [Entry date 05/12/95]
- 5/24/95 33 Minutes: Enter Order by Judge Judith N. Keep The court orders the motion of the pla's for protective order referred to Magistrate Judge Porter. Court Reporter: n/a (rc) [Entry date 05/25/95]
- 5/25/95 34 Notice of Motion and Motion by defendant Family Practice Asso, defendant Seth M Flam, defendant Michael J Feinstein, defendant Sol Lizerbram, defendant Howard A Hassman, defendant Kevin Ellis, defendant Steven J Hernandez for protective order motion(s) referred to Judge Judith N. Keep] hrg 6/28/95 2:30 (rc) [Entry date 05/30/95]
- 5/25/95 35 Memorandum of points and authorities by defendant Family Practice Asso, defendant Seth M Flam, defendant Michael J Feinstein, defendant Sol Lizerbram, defendant Howard A Hassman, defendant Kevin Ellis, defendant Steven J Hernandez in support of motion for protective order [34-1] (rc) [Entry date 05/30/95]
- 5/25/95 36 Declaration of Kelly Capen by defendant Family Practice Asso, defendant Seth M Flam, defendant Michael J Feinstein, defendant Sol Lizerbram, defendant Howard A Hassman, defendant Kevin Ellis, defendant Steven J Hernandez re motion for protective order [34-1] t/w exhibits (rc) [Entry date 05/30/95]
- 5/25/95 37 Declaration of Breckinridge L Willcox by defendant Family Practice Asso, defendant Seth M Flam, defendant Michael J Feinstein, defendant Sol Lizerbram, defendant Howard A Hassman, defendant Kevin Ellis, defendant Steven J Hernandez re motion for protective order [34-1] (rc) [Entry date 05/30/95]
- 5/25/95 38 Declaration of Alan E Reider by defendant Family Practice Asso, defendant Seth M Flam, defendant Michael J Feinstein, defendant Sol Lizerbram, defendant Howard A Hassman, defendant Kevin Ellis, defendant Steven J Hernandez re motion for protective order [34-1] (rc)

[Entry date 05/30/95]

- 6/14/95 39 Memo of P/A's by pla Sara Newsome in opposition to motion for protective order [34-1], t/w exhs and prf of svc. (sh) [Entry date 06/20/95]
- 6/16/95 40 Pro Hac Vice approved by Judge Judith N. Keep on behalf of dfts for Breckinridge L Willcox. (cc: all counsel) (sh) [Entry date 06/20/95]
- 6/16/95 41 Pro Hac Vice approved by Judge Judith N. Keep on behalf of dfts for Alan E Reider. (cc: all counsel) (sh) [Entry date 06/20/95]
- 6/21/95 42 Reply Memo of P/A's by dfts in support of dfts' motion for protective order [34-1]. (sh) [Entry date 06/22/95]
- 6/23/95 43 Motion by pla to disqualify dfts' counsel [motion(s) referred to Judge Judith N. Keep] on 10/9/95 at 10:30 am. (sh) [Entry date 06/27/95]
- 6/23/95 44 Notice of Motion Hearing by pla Sara Newsome [motion(s) referred] motion to disqualify dfts' counsel set for 10/9/95 at 10:30 am. (sh) [Entry date 06/27/95]
- 6/23/95 45 Memo of P/A's by plaintiff in support of motion to disqualify dfts' counsel [43-1] on 10/9/95 at 10:30 am, t/w exhs and decl of svc. (sh) [Entry date 06/27/95]
- 6/29/95 53 Request by dfts for a discovery conference; OK PER COURT. (sh) [Entry date 07/06/95]
- 6/30/95 46 Dfts' answering memo of p/a's in opposition to motion to disqualify dfts' counsel [43-1]. (sh) [Entry date 07/06/95]
- 6/30/95 47 Dfts' Objections to decl of Linda S Robinson filed in support of motion to disqualify dfts' counsel. (sh) [Entry date 07/06/95]
- 6/30/95 48 Declaration of Kelly Capen Douglas in support of dfts' memo of p/a's in opposition to motion to disqualify dfts' attorneys [46-1], t/w exhs. (sh) [Entry date 07/06/95]
- 6/30/95 49 Declaration by dfts of Breckinridge L Willcox in reply [46-1] (sh) [Entry date 07/06/95]
- 6/30/95 50 Declaration by dfts of Ronald H Clark in motion reply [46-1], t/w exhs. (sh) [Entry date 07/06/95]
- 6/30/95 51 Declaration by dfts of Alan E Reider re motion reply [46-1], t/w exhs. (sh) [Entry date 07/06/95]
- 6/30/95 52 Declaration by dfts of Mary A Coleman re motion reply [46-1], t/w exh. (sh) [Entry date 07/06/95]
- 6/30/95 54 Minutes: Enter Order by Magistrate Louisa S. Porter Dfts have filed a request for a discovery conf; the court orders the parties to meet and confer re a discovery schedule; if the parties are unable to formulate a discovery schedule on their own, then upon the filing of a certificate of

compliance, the parties may phone the court to set up a discovery conf; NUNC PRO TUNC 6/28/95 (cc: all counsel) (sh) [Entry date 07/06/95]

- 7/6/95 -- Transcript filed of motion hrg, on 6/28/95, before Magistrate Judge Porter, Karen Solomon, Echo Reporting, Inc. (sh) [Entry date 07/10/95]
- 7/10/95 55 Supplementary Declaration by pla Sara Newsome of Linda S Robinson in support of motion to disqualify dfts' counsel [43-1], t/w prf of svc. (sh) [Entry date 07/12/95]
- 7/10/95 56 Reply by pla Sara Newsome to dfts' answering memorandum in opposition to motion to disqualify dfts' counsel [43-1], t/w exh. (sh) [Entry date 07/12/95]
- 7/11/95 59 Order re dft's motion for protective order by Magistrate Louisa S. Porter granting in part & denying in part motion for protective order [34-1] Rpt may be provided by DOJ to realator but w/ the personal identifying info of 3rd persons redacted. The rpt shall be provided w/in 10-dys from date of this order (cc: all counsel) (mm) [Entry date 07/20/95]
- 7/12/95 57 Objections by dfts to evdience submitted in support of motion to disqualify dft's counsel [45-1], t/w prf of svc. (sh) [Entry date 07/13/95]
- 7/17/95 60 Minutes: Enter Order by Judge Judith N. Keep denying motion to disqualify dfts' counsel [43-1]; counsel for the dfts to submit proposed order w/in five days. Court Reporter: Renee Green (sh) [Entry date 07/25/95]
- 7/18/95 58 Stipulation and Order by Judge Judith N. Keep : vacating [29-1] motion to dismiss 1st amd cmp; dfts' mot to dismiss filed 5/11/95, is taken off calendar; pla shall file a mot seeking leave to file a second amd cmp on or before 7/31/95, and attach a copy of the proposed second amd cmp to the mot (cc: all counsel) (lmm) [Entry date 07/20/95]
- 7/18/95 61 Notice of Motion and Motion by dfts' to stay Magistrate Judge Porter's order dated 7/11/95 [motion(s) referred to Judge Judith N. Keep] no date set (sh) [Entry date 07/26/95]
- 7/18/95 62 Memo of P/A's by dfts' in support of motion to stay Magistrate Judge Porter's order dated 7/11/95 [61-1]. (sh) [Entry date 07/26/95]
- 7/18/95 63 Declaration by dfts' of Robert G Stiner in support of dft's motion to stay Magistrate Judge Porter's order dated 7/11/95 [62-1], t/w exhs. (sh) [Entry date 07/26/95]
- 7/19/95 64 Minutes: Enter Order by Judge Judith N. Keep motion to stay Magistrate Judge Porter's order dated 7/11/95 [61-1], the court orddees movant's brief filed and hand-served no later than 7/18/95 at 5:00 pm; opposition filed and hand-served no later than 7/20/95 at 9:00 am. (cc: all counsel) (sh) [Entry date 07/26/95]

7/19/95 65 Memo of P/A's by pla in opposition to motion to stay Magistrate Judge Porter's order dated 7/11/95 [61-1], t/w exh and decl of svc. (sh) [Entry date 07/26/95]

7/20/95 67 Motion by Family Practice Asso, Seth M Flam, Michael J Feinstein, Sol Lizerbram, Howard A Hassman, Kevin Ellis, Steven J Hernandez for reconsideration of Magistrate Judge's order re dfts' motion for protective order [motion(s) referred to Judge Judith N. Keep] (seal) [Entry date 07/27/95]

7/20/95 68 Notice of Motion Hearing by Family Practice Asso, Seth M Flam, Michael J Feinstein, Sol Lizerbram, Howard A Hassman, Kevin Ellis, Steven J Hernandez [motion(s) referred to Judge Judith N. Keep] Date to be set or motion will be withdrawn or found moot (per law clerk). (seal) [Entry date 07/27/95]

7/20/95 69 Declaration of Robert G Steiner by Family Practice Asso, Seth M Flam, Michael J Feinstein, Sol Lizerbram, Howard A Hassman, Kevin Ellis, Steven J Hernandez re motion for reconsideration of Magistrate Judge's order in support of dfts' motion for protective order [67-1] t/w exhibits. (no date set as yet for hearing). (seal) [Entry date 07/27/95]

7/21/95 66 Orde by Judge Judith N. Keep denying motion to stay Magistrate Judge Porter's order dated 7/11/95 [61-1]. (cc: all counsel) (sh) [Entry date 07/26/95]

7/24/95 70 Order by Judge Judith N. Keep denying motion to disqualify dfts' counsel [43-1]. (cc: all counsel) (sh) [Entry date 07/27/95]

7/25/95 71 Notice of Motion and Motion by defendant for sanctions [motion(s) referred to Judge Judith N. Keep] on 11/20/95 at 10:30 am, t/w prf of svc. (sh) [Entry date 07/28/95]

7/25/95 72 Memo of P/A's by defendant in support of motion for sanctions [71-1] on 11/20/95 at 10:30 am. (sh) [Entry date 07/28/95]

7/25/95 73 Declaration by dfts of Alan E Reider in support of dfts' motion for sanctions [72-1], t/w exhs. (sh) [Entry date 07/28/95]

7/25/95 74 Declaration by dfts of Robert G Steiner in support of dfts' motion for sanctions [72-1], t/w exhs. (sh) [Entry date 07/28/95]

7/26/95 -- Transcript filed of proceedings, on 7/17/95, before Judge Keep, Shonna D Ruane, Ad Hoc Reporting. (sh) [Entry date 07/28/95]

7/31/95 75 Notice of Motion and Motion by pla for leave to file second amended complaint [motion(s) referred to Judge Judith N. Keep] on 11/27/95 at 10:30 am. (sh) [Entry date 08/02/95]

7/31/95 76 Memo of P/A's by pla in support of motion for leave to file second amended complaint [75-1] on 11/27/95 at 10:30

am. (sh) [Entry date 08/02/95]

- 7/31/95 77 Declaration by pla of Robert P Lowell in support of the motion for leave to file her second amended complaint [76-1] (sh) [Entry date 08/02/95]
- 7/31/95 78 Proof of service by pla of Linda S Robinson re: notice of motion and motion for leave to file second amended complaint, etc. (sh) [Entry date 08/02/95]
- 8/3/95 79 Notice of lodgment by pla re proposed second amended complaint filed under seal, t/w decl of svc. (sh) [Entry date 08/04/95]
- 8/9/95 80 Notice by defendant Family Practice Asso, defendant Seth M Flam, defendant Michael J Feinstein, defendant Sol Lizerbram, defendant Howard A Hassman, defendant Kevin Ellis, defendant Steven J Hernandez of withdrawal of Motion for reconsideration and objection t/w prf svc (jrb) [Entry date 08/10/95]
- 11/6/95 81 Memo of P/A's in Opposition by plaintiff Sara Newsome to motion for sanctions [71-1] (jrb) [Entry date 11/08/95]
- 11/6/95 82 Declaration of Linda S. Robinson by plaintiff Sara Newsome re motion response [81-1] (jrb) [Entry date 11/08/95]
- 11/6/95 83 Declaration of Robert P. Lowell by plaintiff Sara Newsome re motion response [81-1] (jrb) [Entry date 11/08/95]
- 11/6/95 84 Declaration of David S. Robbin by plaintiff Sara Newsome re motion response [81-1] (jrb) [Entry date 11/08/95]
- 11/6/95 85 Objections by plaintiff Sara Newsome to evidence submitted in support of dfts' motion for sanctions [71-1] (jrb) [Entry date 11/08/95]
- 11/7/95 86 Amended answering memo and P/A's in Opposition by plaintiff Sara Newsome to motion for sanctions [71-1] (jrb) [Entry date 11/15/95]
- 11/7/95 87 Declaration of Linda S. Robinson by plaintiff Sara Newsome re motion response [86-1] (jrb) [Entry date 11/15/95]
- 11/8/95 89 Amended Proof of service by plaintiff Sara Newsome of: relator's amended answering memorandum of P/A's, opposition to dft's motion for sanctions, declaration of Linda S. Robinson (jrb) [Entry date 11/16/95]
- 11/13/95 88 Reply by defendant Family Practice Asso, defendant Seth M Flam, defendant Michael J Feinstein, defendant Sol Lizerbram, defendant Howard A Hassman, defendant Kevin Ellis, defendant Steven J Hernandez to opposition to motion for sanctions [71-1] t/w prf svc (ml) [Entry date 11/15/95]
- 11/13/95 90 Response by defendant Family Practice Asso, defendant Seth M Flam, defendant Michael J Feinstein, defendant Sol Lizerbram, defendant Howard A Hassman, defendant Kevin Ellis, defendant Steven J Hernandez to pla's motion for lv to file second amended cmp (jrb) [Entry date 11/17/95]

- 11/13/95 91 Objections by defendant Family Practice Asso, defendant Seth M Flam, defendant Michael J Feinstein, defendant Sol Lizerbram, defendant Howard A Hassman, defendant Kevin Ellis, defendant Steven J Hernandez to declaration [87-1] of Linda Robinson filed in support of opposition to dft's motion for sanctions (jrb) [Entry date 11/17/95]
- 11/13/95 92 Objections by defendant Family Practice Asso, defendant Seth M Flam, defendant Michael J Feinstein, defendant Sol Lizerbram, defendant Howard A Hassman, defendant Kevin Ellis, defendant Steven J Hernandez to declaration [83-1] led in support of opposition to dft's motion for sanctions (jrb) [Entry date 11/17/95]
- 11/20/95 93 Minutes: Enter Order by Judge Judith N. Keep denying motion for sanctions [71-1]; the court orders the mot denied; counsel for the pla's to submit proposed order w/in five days Court Reporter: Renee Green (lmm)
- 12/5/95 94 Supplemental Brief Filed by plaintiff Sara Newsome in support of pla's motion for leave to file second amended complaint [75-1], t/w decl's and prf of srvc (lmm) [Entry date 12/07/95]
- 12/5/95 95 (Copy) Statement (supplemental brief) by defendant Family Practice Asso, defendant Seth M Flam, defendant Michael J Feinstein, defendant Sol Lizerbram, defendant Howard A Hassman, defendant Kevin Ellis, defendant Steven J Hernandez in support of motion for leave to file second amended complaint [75-1] sooner than 12/14/95, and that it be filed under seal; t/w prf of srvc (lmm) [Entry date 12/07/95]
- 12/5/95 96 Order by Judge Judith N. Keep granting motion for leave to file second amended complaint [75-1]; pla's mot for leave to file a second amd cmp is granted; pla's request that the second amd cmp be filed in camera and under seal is denied; pla's request that the second amd cmp be filed in camera and under seal until 12/14/95 is denied; pla's request that the second amd cmp not be filed until 12/14/95 is denied (cc: all counsel) (lmm) [Entry date 12/07/95]
- 12/5/95 97 Second Amended complaint [23-1] adding FPA Medical Management Inc (lmm) [Entry date 12/07/95]
- 12/5/95 97 Demand for jury trial by plaintiff Sara Newsome (lmm) [Entry date 12/07/95]
- 12/5/95 98 Order by Judge Judith N. Keep, it is hereby ordered that dft's mot for sanctions of relator's counsel is denied; the court incorporates by reference into this order the entire transcript of the 11/20/95, hrg (cc: all counsel) (lmm) [Entry date 12/07/95]
- 12/5/95 99 Ex Parte Application by plaintiff USA pursuant to 31:3730(b) for an order permitting the filing of certain documents in camera; t/w certif of srvc (lmm) [Entry date 12/07/95]

12/5/95 100 Ex Parte Application by plaintiff USA for an order partially lifting the seal on the proposed second amd cmp (lmm) [Entry date 12/07/95]

12/5/95 101 In Camera Ex Parte Declaration of AUSA Stephen J Segret by plaintiff USA (lmm) [Entry date 12/07/95]

12/5/95 102 Order by Judge Judith N. Keep denying ex parte application for partial lifting [100-1], denying ex parte application for an order permitting the USA to submit a decl in this matter in camera and under seal [99-1]; in light of the court's order filing the cmp, this is moot so it is denied (cc: all counsel) (lmm) [Entry date 12/07/95]

12/5/95 103 Order by Judge Judith N. Keep denying ex parte application of the USA for an order partially lifiting the seal in this matter (cc: all counsel) (lmm) [Entry date 12/07/95]

12/5/95 104 Statement by defendant Family Practice Asso, defendant Seth M Flam, defendant Michael J Feinstein, defendant Sol Lizerbram, defendant Howard A Hassman, defendant Kevin Ellis, defendant Steven J Hernandez in support of requiring that the second amd cmp be filed no sooner than 12/14/95, and be filed, if at all, under seal pursuant to 31:3730(b); t/w prf of srvc NUNC PRO TUNC 11/30/95 (lmm) [Entry date 12/11/95]

12/13/95 -- Summons issued (jrb) [Entry date 12/15/95]

12/22/95 105 Stipulation and Order by Judge Judith N. Keep, good cause appearing, it is hereby ordered that each of the dfts named in the second amd cmp file its or his response to the second amd cmp on or before 1/22/96 (cc: all counsel) (lmm) [Entry date 12/27/95]

12/28/95 -- Transcript filed of mot hrg (ruling of the court) before the Honorable Judith N Keep on 11/20/95; Court Recorder Renee Green (lmm)

12/28/95 106 Proof of service by plaintiff Sara Newsome of: second amd cmp upon AUSA Stephen Segreto on 12/28/95 (lmm) [Entry date 01/02/96]

12/28/95 107 Proof of service by plaintiff Sara Newsome of: second amd cmp, and summons upon attnys for Steven J Hernandez on 12/13/95 (lmm) [Entry date 01/02/96]

12/28/95 108 Proof of service by plaintiff Sara Newsome of: second amd cmp and summons upon attnys for Kevin Ellis on 12/13/95 (lmm) [Entry date 01/02/96]

12/28/95 109 Proof of service by plaintiff Sara Newsome of: second amd cmp, and summons upon attnys for Howard A Hassman on 12/13/95 (lmm) [Entry date 01/02/96]

12/28/95 110 Proof of service by plaintiff Sara Newsome of: second amd cmp and summons upon attnys for Sol Lizerbram 12/13/95 (lmm) [Entry date 01/02/96]

12/28/95 111 Proof of service by plaintiff Sara Newsome of: second amd
cmp and summons upon attnys for Seth M Flam on 12/13/95 (lmm)
[Entry date 01/02/96]

12/28/95 112 Proof of service by plaintiff Sara Newsome of: second amd
cmp and summons upon attnys for Michael J Feinstein on
12/13/95 (lmm) [Entry date 01/02/96]

12/28/95 113 Proof of service by plaintiff Sara Newsome of: second amd
cmp and summons upon attnys for Family Practice Associates
of San Diego on 12/13/95 (lmm) [Entry date 01/02/96]

12/28/95 114 Proof of service by plaintiff Sara Newsome of: second amd
cmp and summons upon FPA Medical Management, Inc on
12/13/95 (lmm) [Entry date 01/02/96]

1/22/96 115 Notice of Motion and Motion by defendant Family Practice
Asso, defendant Seth M Flam, defendant Michael J Feinstein,
defendant Sol Lizerbram, defendant Howard A Hassman to
dismiss second amd cmp [motion(s) referred to Judge
Judith N. Keep], 4/29/96, at 10:30 am (lmm)
[Entry date 01/23/96]

1/22/96 116 Memorandum of points and authorities by defendant Family
Practice Asso, defendant Seth M Flam, defendant Michael J
Feinstein, defendant Sol Lizerbram, defendant Howard A
Hassman in support of motion to dismiss second amd cmp
[115-1]; 4/29/96, at 10:30 am (lmm) [Entry date 01/23/96]

1/22/96 117 Notice of lodgment by defendant Family Practice Asso,
defendant Seth M Flam, defendant Michael J Feinstein,
defendant Sol Lizerbram, defendant Howard A Hassman in
support of motion to dismiss second amd cmp [115-1], t/w
exh (copy of summons, and second amd cmp) (lmm)
[Entry date 01/23/96]

1/22/96 118 Declaration of srvcs by defendant Family Practice Asso,
defendant Seth M Flam, defendant Michael J Feinstein,
defendant Sol Lizerbram, defendant Howard A Hassman of ntc
of mot to dismiss second amd cmp, memo of p/a's, and ntc of
lodgment in support (lmm) [Entry date 01/23/96]

1/22/96 119 Notice by defendant Seth M Flam, defendant Michael J
Feinstein, defendant Sol Lizerbram, defendant Howard A
Hassman, defendant Kevin Ellis of association of attorneys
Pamela J Naughton, Michael J Roake, Cynthia G Iliff all of
Baker and McKenzie; t/w decl of srvcs (lmm)
[Entry date 01/23/96]

1/22/96 120 JOINDER by defendant Family Practice Asso, defendant Seth M
Flam, defendant Michael J Feinstein, defendant Sol
Lizerbram, defendant Howard A Hassman, defendant Kevin
Ellis, defendant Steven J Hernandez joining motion to
dismiss second amd cmp [115-1]; t/w prf of srvcs (lmm)
[Entry date 01/23/96]

1/25/96 121 Declaration of service by defendant Family Practice Asso,
defendant Seth M Flam, defendant Michael J Feinstein,

defendant Sol Lizerbram, defendant Howard A Hassman, defendant Kevin Ellis of ntc of mot and mot to dismiss second amended complaint, memo of p/a's in support, ntc of lodgment in support, and ntc of association of counsel (lmm) [Entry date 01/26/96]

- 1/29/96 122 Proof of service by defendant Family Practice Association, defendant Seth M Flam, defendant Michael J Feinstein, defendant Sol Lizerbram, defendant Howard A Hassman, defendant Kevin Ellis, defendant FPA Medical Mngmt In of: ntc of association of counsel, ntc of mot and mot to dismiss second amended complaint, memo of p/a's, and ntc of lodgment in support, t/w decl's of srvc (lmm) [Entry date 01/30/96]
- 2/8/96 123 Notice of Dismissal w/out prejudice as to party Family Practice Assoc t/w prf svc (jrb) [Entry date 02/12/96]
- 2/23/96 124 Notice and Order for Pre Answer Earle Neutral Evaluation by Magistrate Louisa S. Porter Pre-Answer Early Neutral Eval Conf set for 2:30 4/10/96 (cc: all counsel) (lmm) [Entry date 02/26/96]
- 4/10/96 125 Minutes: Enter Order by Magistrate Louisa S. Porter Pre-answer E.N.E. held; Post-answer E.N.E. Conference set for 1:00 5/31/96 (jrb) [Entry date 04/12/96]
- 4/11/96 126 Answer to second amended complaint by defendants Family Practice Asso, defendant Seth M Flam, defendant Michael J Feinstein, defendant Sol Lizerbram, defendant Howard A Hassman, defendant Kevin Ellis, defendant Steven J Hernandez t/w prf svc (jrb) [Entry date 04/15/96]
- 4/11/96 127 Notice by defendant Family Practice Asso, defendant Seth M Flam, defendant Michael J Feinstein, defendant Sol Lizerbram, defendant Howard A Hassman of withdrawal of motion to dismiss second amended complaint (jrb) [Entry date 04/15/96]
- 5/31/96 128 Minutes: Enter Order by Magistrate Louisa S. Porter E.N.E. Conference held 1:00 5/31/96; Settlement/Case Management Conference set for 9:30 7/1/96 (jrb) [Entry date 06/06/96]
- 7/1/96 130 Minutes: Enter Order by Magistrate Louisa S. Porter a settlement conf was held and the case settled; the settlement was put on the record [tape 1:1342-3412]; the stip settlement and dismissal was submitted and passed on to Judge Keep's chambers (lmm) [Entry date 07/09/96]
- 7/2/96 129 Stipulation and Order by Judge Judith N. Keep: The parties dismiss the action with prejudice in accordance with the terms, conditions and provisions set forth in that certain Settlement Agreement and Release, dated 6/28/96. terminating case (cc: all counsel) (tlw) [Entry date 07/03/96]
- 7/1/97 131 Stipulation for order modifying Scheduling order terminating case [129-1], re stipulation [129-2] (jrl) [Entry date 07/02/97]

7/1/97 132 Stipulation and Order by Judge Judith N. Keep: granting stipulation [131-1] modifying settlement agreement; to replace attorney Lowell & Robbin for pla Sara Newsome (Burns) with attorney John G. Appel; attorney Appel will deliver installment payments from U.S. as it is received from FPA (cc: all counsel) (jrl) [Entry date 07/07/97]

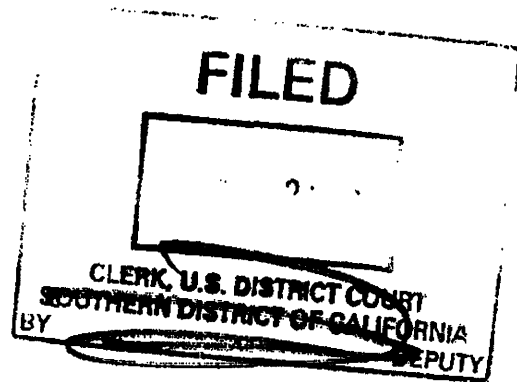
1/13/99 133 Notice of Lien by claimant Bradley Proulx (rab) [Entry date 01/14/99]

Case Flags:
TERMED
SEALDC

END OF DOCKET: 3:91cv1325

PACER Service Center			
Transaction Receipt			
12/05/2001 16:55:22			
PACER Login:	rk0009	Client Code:	
Description:	docket report	Search Criteria:	3:91cv01325
Billable Pages:	18	Cost:	1.26

EXHIBIT B



IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, ex rel,
SARA [NEWSOME] BURNS,

Plaintiffs,

v.

FAMILY PRACTICE ASSOCIATES OF
SAN DIEGO, an Osteopathic Corporation;
MICHAEL J. FEINSTEIN; SETH M. FLAM;
SOL LIZERBRAM; HOWARD A. HASSMAN;
KEVIN ELLIS; STEVEN J. HERNANDEZ;
and DOES 1 through 100, inclusive,

Defendants.

Case No. 911325-K (POR)

STIPULATION AND ORDER
DISMISSING THE ACTION

IT IS HEREBY STIPULATED AND AGREED, by and between the parties, through their
respective counsel of record, that:

///

///

///

ENTERED ON

7/3/96

EXHIBIT B

The above-entitled action is dismissed with prejudice in accordance with the terms, conditions and provisions set forth in that certain Settlement Agreement and Release, dated June 28, 1996.

Dated: July 1, 1996

Dated: July 1, 1996

For the Plaintiff/Relator:

For the Defendants:

LOWELL & ROBBIN

ARENT FOX KINTNER PLOTKIN & KAHN

By: [Signature]

By: [Signature]

David S. Robbin, Esq.
707 Broadway, Suite 1700
San Diego, CA 92101-5311
(619) 236-1142

Alan E. Reider, Esq.
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5339
(202) 857-6000

LAW OFFICES OF JUDITH B. OAKES

LUCE FORWARD HAMILTON & SCRIPPS

By: [Signature]

By: [Signature] 7/1/96

Judith B. Oakes, Esq.
707 Broadway, Suite 1700
San Diego, CA 92101-5311
(619) 696-0040

Robert G. Steiner, Esq.
Kelly Capen Douglas, Esq.
600 West Broadway, Suite 2600
San Diego, CA 92101-3391
(619) 236-1414

The United States does not object to dismissal with ~~out~~ prejudice.

Dated: July 1, 1996

By: [Signature]

Stephen J. Segreto
Assistant U. S. Attorney
880 Front Street, Room 6293
San Diego, CA 92101-8893
(619) 557-5682

The State of California does not object to dismissal with ~~out~~ prejudice.

Dated: July 1, 1996

By: [Signature]

Ernest W. Piper
Deputy Attorney General
110 W. A Street, Suite 1100
San Diego, CA 92186-5266
(619) 645-2426

IT IS SO ORDERED as stipulated by the parties herein:

DATED: 7/2/96

[Signature]
Judith N. Keep, Chief Judge
United States District Court

EXHIBIT C

FILED

JUL - 11 - 01

J. Laurette

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA ex rel
SARA NEWSOME(BURNS)

Plaintiffs,

v.

FAMILY PRACTICE ASSOCIATES,
et al,

Defendants.

CASE NO. 91-1325-K(POR)

ORDER ON STIPULATION FOR
ORDER MODIFYING SETTLEMENT
AGREEMENT

The Court having reviewed the STIPULATION FOR ORDER MODIFYING
SETTLEMENT AGREEMENT among the United States of America, Sara Newsome Burns
and Lowell & Robbin filed herewith, and good cause appearing,

IT IS HEREBY ORDERED THAT:

a. Paragraph 7 of the Settlement Agreement among the United States of
America, Sara Newsome Burns and Lowell & Robbin dated July 1, 1996, shall
be and hereby is modified to read as follows:

“ 7. The United States agrees that it shall pay the Relator, in full
satisfaction of the rights of the Relator pursuant to 31 U.S.C. § 3730(d), 29
percent of the Settlement Amount as it is received by the United States from
FPA (“the Reward payments”). Relator is entitled to a share of the interest

1 paid by FPA. The Relator's Reward payments will be paid to her in the form
2 of United States Treasury checks made payable to the order of Sara Newsome
3 Burns, and shall be delivered to Relator's attorney John G. Appel, Jr., at 402
4 West Broadway, Suite 400, San Diego CA 92101 or such other address as such
5 attorney may designate to the United States in writing, within 30 days of the
6 receipt of settlement payment by FPA to the United States."

7 b. The former attorneys for Sara Newsome Burns, Lowell & Robbin,
8 David Robbin, Robert P. Lowell, Judith Oakes and Linda Robinson are hereby
9 relieved from any further responsibility to receive or deliver the installment
10 payments referred to in paragraph 7 of the Settlement Agreement.

11 **IT IS SO ORDERED.**

12
13 DATED: 7/1/97

14 
15 UNITED STATES DISTRICT JUDGE
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EXHIBIT D

Name of Debtor (if individual, enter Last, First, Middle): Burns, Sara Newsome	Name of Joint Debtor (Spouse) (Last, First, Middle):
All Other Names used by the Debtor in the last 6 years (include married, maiden, and trade names): None	All Other Names used by the Joint Debtor in the last 6 years (include married, maiden, and trade names):
Soc. Sec./Tax I.D. No. (if more than one, state all): 354-56-0231	Soc. Sec./Tax I.D. No. (if more than one, state all):
Street Address of Debtor (No. & Street, City, State & Zip Code): 4621 Kensinton Drive San Diego, CA 92116	Street Address of Joint Debtor (No. & Street, City, State & Zip Code):
County of Residence or of the Principal Place of Business: San Diego	County of Residence or of the Principal Place of Business:
Mailing Address of Debtor (if different from street address):	Mailing Address of Joint Debtor (if different from street address):
Location of Principal Assets of Business Debtor (if different from street address above):	
Attorney: L. Scott Keehn, 61691 ROBBINS & KEEHN, APC 530 "B" Street, Suite 2400 San Diego, California 92101 ph: 619-232-1700	

Information Regarding the Debtor (Check the Applicable Boxes)

Venue (Check any applicable box)

- ☒ Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.
- ☐ There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.

Type of Debtor (Check all boxes that apply)

- ☒ Individual(s) ☐ Railroad
- ☐ Corporation ☐ Stockbroker
- ☐ Partnership ☐ Commodity Broker
- ☐ Other _____

Chapter or Section of Bankruptcy Code Under Which the Petition is Filed (Check one box)

- ☐ Chapter 7 ☐ Chapter 11 ☒ Chapter 13
- ☐ Chapter 9 ☐ Chapter 12
- ☐ Sec. 304 - Case ancillary to foreign proceeding

Nature of Debts (Check one box)

- ☒ Consumer/Non-Business ☐ Business

Chapter 11 Small Business (Check all boxes that apply)

- ☐ Debtor is a small business as defined in 11 U.S.C. § 101.
- ☐ Debtor is and elects to be considered a small business under 11 U.S.C. § 1121(e) (Optional)

Filing Fee (Check one box)

- ☒ Full Filing Fee attached
- ☐ Filing Fee to be paid in installments (Applicable to individuals only)
Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form No. 3.

Statistical/Administrative Information (Estimates only)

- ☒ Debtor estimates that funds will be available for distribution to unsecured creditors.
- ☐ Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.

Case # : 01-90355-PB
Name : SARA NEWSOME
Judge : PETER DOWIE
Court : SDNY

Filed : 01/25/99 010:33am
Deputy : P. J. JONES
Receipt : 00110002
Amount : \$100.00

Estimated Number of Creditors

1-15	16-49	50-99	100-199	200-999	1000-over
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Estimated Assets

\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	More than \$100 million
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Estimated Debts

\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	More than \$100 million
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RELINQUISHED
Clerk, U.S. Bankruptcy Court
District of California

EXHIBIT D

Voluntary Petition

(This page must be completed and filed in every case)

Case 01-90355-PB Filed 12/05/01 Doc 18-1 Pg. 28 of 48

FORM B1, Page 2

Name of Debtor(s):

Sara Newsome Burns

Prior Bankruptcy Case Filed Within Last 6 Years (If more than one, attach additional sheet)

Location

Where Filed: NONE

Case Number

Date Filed:

Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of the Debtor (If more than one, attach additional sheet)

Name of Debtor:

NONE

Case Number

Date Filed:

District:

Relationship:

Judge:

Signatures**Signature(s) of Debtor(s) (Individual/Joint)**

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X Sara J Burns
Signature of Debtor

X _____
Signature of Joint Debtor

Telephone Number (if not represented by attorney)

1-22-99

Date

Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X

Signature of Authorized Individual

Printed Name of Authorized Individual

Title of Authorized Individual

Date

Signature of Attorney

X L. Scott Keehn
Signature of Attorney for Debtor(s)
L. SCOTT KEEHN 61691

Printed Name of Attorney for Debtor(s)

ROBBINS & KEEHN, APC

Firm Name

530 "B" Street, Suite 2400

Address

San Diego, California 92101

619-232-1700

Telephone Number

1-25-99

Date

Signature of Non-Attorney Petition Preparer

I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document.

Printed Name of Bankruptcy Petition Preparer

Social Security Number

Address

X

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

Signature of Bankruptcy Petition Preparer

Date

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. § 110; 18 U.S.C. § 156.

Exhibit A

(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.)
Exhibit A is attached and made a part of this petition.

Exhibit B

(To be completed if the debtor is an individual whose debts are primarily consumer debts)

I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 or title 11, United States Code, and have explained the relief available under each such chapter.

X L. Scott Keehn 1-25-99
Signature of Attorney for Debtor(s) Date

**Bank America
P. O. Box 59104
Las Vegas, NV 89159-1004**

**Heine, Elaine
110 West C Street
San Diego, CA 92101**

**Seitman, John
Lindley, Lazar & Scales
550 C Street, Suite 1800
San Diego, CA 92101**

**U. S. Department of Education
P. O. Box 746000
Atlanta, GA 30374-6000**

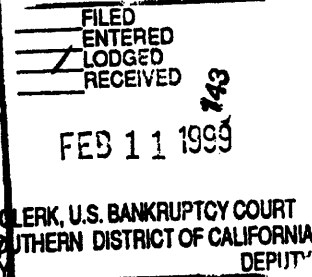
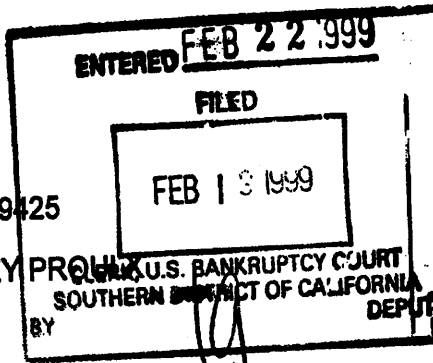
**Visa
Bank Card Services
P. O. Box 53132
Phoenix, AZ 85072-3132**

**Western Family Financial
P. O. Box 8000
Carlsbad, CA 92018-8000**

EXHIBIT E

SAMPSON & ASSOCIATES
 Bryan D. Sampson (#143143)
 2139 First Avenue
 San Diego, CA 92101
 (619) 557-9420/Fax (619) 557-9425

Attorneys for Creditor BRADLEY PROULX



**UNITED STATES BANKRUPTCY COURT
 SOUTHERN DISTRICT OF CALIFORNIA**

In re:

SARA NEWSOME BURNS,

Debtor.

CASE NO. 99-00811-B13

**ORDER AUTHORIZING
 PAYMENT**

Date: 2/9/99
 Time: 11:00 a.m.
 Ctm: 3
 Hon. John J. Hargrove

Creditor Bradley Proulx's application for an order authorizing payment of settlement monies to a segregated account on monies owed to Debtor BURNS from the United States of America to the Chapter 13 Trustee came before the Court on the above date and time by Creditor's ex parte application. Creditor BRADLEY PROULX appeared through his counsel, Bryan D. Sampson. The United States of America appeared through its counsel, Stephen Segreto. Sara Newsome Burns did not appear. Upon reviewing the pleadings filed by the parties, hearing oral argument, and good cause appearing therefore,

IT IS HEREBY ORDERED that the UNITED STATES OF AMERICA shall immediately pay any and all monies currently due and owing to Debtor SARA NEWSOME BURNS directly to Debtor's counsel, Robbins & Keehn, at 530 "B" Street, Suite 2400, San Diego, California 92101, c/o of Charles F. Robbins, Esq.

EXHIBIT E

1 IT IS FURTHER HEREBY ORDERED that the UNITED STATES OF
2 AMERICA is then deemed to have discharged all of its obligations under the
3 subject settlement and is, therefore, released from any further liability against all
4 parties in this action, including but not limited to Debtor SARA NEWSOME
5 BURNS, Creditor Bradley Proulx, and their counsel.

6 IT IS FURTHER HEREBY ORDERED that Debtor's counsel, Charles F.
7 Robbins, Esq., and his firm, Robbins & Keehn, are hereby instructed to place the
8 funds from the United States of America into a segregated, interest-bearing
9 account. The funds may not be disbursed without further order of this court.
10 Further, in the event the Debtor dismisses her Chapter 13 action, the funds shall
11 remain in the account of Debtor's counsel, pending further order of this court.

12 IT IS SO ORDERED.

13 DATED: 2-19-99


Judge, United States Bankruptcy Court

16 NOTICE: Signature by the attorney constitutes a certification under Federal
17 Rule of Bankruptcy Procedure 9011 that the relief provided by the
18 Order is the relief granted by the Court.

19 Submitted by:


Bryan D. Sampson

20
21
22
23
24
25
26
27 In re: Sara Newsome Burns
Case No.: 99-00811-B13
28 Order Authorizing Payment

EXHIBIT F

CSD 1176 [08/21/00]

Name, Address, Telephone No. & I.D. No.

L. Scott Keehn (61691)

ROBBINS & KEEHN, APC

530 B Street, Suite 2400

San Diego, CA 92101

(619) 232-1700

Attorneys for Sara Newsome Burns

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF CALIFORNIA

325 West "F" Street, San Diego, California 92101-6991



In Re

SARA NEWSOME BURNS

BANKRUPTCY NO. 99-00811-B13

Debtor.

ORDER DISMISSING CHAPTER 13 CASE ON REQUEST BY DEBTOR

Upon consideration of the Debtor's Request for Dismissal of the above referenced Chapter 13 Case, Docket Entry

No. 104, it is ordered that:

This case be and the same is hereby dismissed and all automatic stays and any injunctions obtained by the debtor in any proceeding related to this case are hereby terminated and the provisions of 11 U.S.C. § 349 are herewith effective. The Chapter 13 Trustee is hereby directed to file a final report and account of his administration.

//

//

//

DATED: **8/16/01**

Judge, United States Bankruptcy Court

Signature by the attorney constitutes a certification under Fed. R. of Bankr. P. 9011 that the relief in the order is the relief granted by the court.

Submitted by:

ROBBINS & KEEHN, APC

(Firm name)

By: /s/ L. Scott Keehn

Attorney for Movant

CSD 1176

EXHIBIT F

EXHIBIT G

DATASEARCH**Public Records
Research Assoc**

P.O. BOX 15406
SACRAMENTO, CA 95851

RE: BURNS, SARA NEWSOME
JURISDICTION: DATABASE - UCC (CA)

We have caused a preliminary search to be made of public records in the above jurisdiction for filings under the Uniform Commercial Code against the above named subject. As of the close of business on 11/29/01, we find:

1 FILING(S) PER ATTACHED LISTING(S). REQUESTED COPIES
HAVE BEEN ORDERED AS INDICATED (*).

This report is based on information supplied by the office of the California Secretary of State. Datasearch, Inc. does not represent that any or all of the information contained herein is accurate or that pertinent information has not been omitted. In no event shall Datasearch, Inc. be liable upon any claim arising out of, related to, or connected with the furnishing of this report in excess of the amount charged by Datasearch, Inc. for this report.

THIS DATA IS FOR INFORMATION PURPOSES ONLY. CERTIFICATION CAN ONLY BE OBTAINED FROM THE OFFICE OF THE CALIFORNIA SECRETARY OF STATE.

22968
ROBBINS AND KEEHN
ATTORNEYS AT LAW
ATTN: LIBBY
530 "B" STREET, #2400
SAN DIEGO CA 92101

REPORT DATE: 12/05/01
REFERENCE:
PROCESS LEVEL: 05341
INDEX DATE: 11/29/01

(C) DATASEARCH, INC. 1988

We guarantee our information to be as accurate as reasonable care can make it. However, the ultimate responsibility for maintaining files rests with the filing officer and we will accept no liability beyond the exercise of reasonable care.

EXHIBIT 6

DATASEARCHPublic Records
Research AssocP.O. BOX 15406
SACRAMENTO, CA 95851(C) DATASEARCH, INC. 1988
DBASE: UCC - CAD A T A L I N K
ACTIVITY LISTINGDATE : 12/05/01
INDEX: 11/29/01INQUIRY:
FILING ACTIVITY:BURNS, SA
BURNS SARA NEWSOME

ITM#	DATE	FILE#	T NAME/ADDRESS
1	8/02/99	9922560331	J BURNS SARA NEWSOME 4621 KENSINGTON DR SAN DIEGO CALIFORNIA BRADLEY PROULX 2139 FIRST AVE SAN DIEGO CALIFORNIA

. . . . end

MAIL TO

Secretary of State

P.O. Box 94235

Sacramento CA 94235 0001 REFERENCE CODE 00 111 PROCEDURE SECTIONS 697 510 697 450 AND 697 570

STATE OF CALIFORNIA**NOTICE OF JUDGMENT LIEN ON PERSONAL PROPERTY
(FOR FILING IN THE OFFICE OF THE SECRETARY OF STATE)
IMPORTANT - Read instructions on back before completing this form****BURNS, SARA NEWSOME****4621 KENSINGTON DRIVE****SAN DIEGO, CA**

11. ZIP CODE

92116**BRADLEY PROULX, C/O SAMPSON & ASSOCIATES
2139 FIRST AVENUE
SAN DIEGO CALIFORNIA****92101**

A. Title of court where judgment was entered

SUPERIOR COURT OF CALIFORNIA**COUNTY OF SAN DIEGO**

B. Title of the action

BRADLEY PROULX V. SARA NEWSOME BURNS

C. Number of the action

711064

D. Date judgment was entered

OCTOBER 30, 1998

E. Dates of subsequent renewals of judgment (if any)

F. Amount required to satisfy judgment at date of this notice

\$231,462.61

G. Date of this notice

7-29-99

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

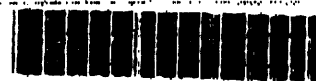
Dated **7-29** 19 **99****SAMPSON & ASSOCIATES
BY: BRYAN D. SAMPSON, ESQ.
FOR JUDGMENT CREDITOR****RETURN COPY TO****BRYAN D. SAMPSON, ESQ.
SAMPSON & ASSOCIATES
2139 FIRST AVENUE
SAN DIEGO, CA 92101**THIS SPACE FOR USE OF FILING OFFICER
(DO NOT WRITE OR PRINT IN THIS SPACE)**9922560331****FILED
SACRAMENTO, CA
AUG 02, 1999 AT 0800
BILL JONES
SECRETARY OF STATE**

EXHIBIT H

FORM B1 United States Bankruptcy Court SOUTHERN DISTRICT OF CALIFORNIA		Voluntary Petition
Name of Debtor (if individual, enter Last, First, Middle): Burns, Sara Newsome	Name of Joint Debtor (Spouse) (Last, First, Middle):	
All Other Names used by the Debtor in the last 6 years (include married, maiden, and trade names): None	All Other Names used by the Joint Debtor in the last 6 years (include married, maiden, and trade names):	
Soc. Sec./Tax I.D. No. (if more than one, state all): 354-56-0231	Soc. Sec./Tax I.D. No. (if more than one, state all):	
Street Address of Debtor (No. & Street, City, State & Zip Code): 4621 Kensington Drive San Diego, CA 92116	Street Address of Joint Debtor (No. & Street, City, State & Zip Code):	
County of Residence or of the Principal Place of Business: San Diego	County of Residence or of the Principal Place of Business:	
Mailing Address of Debtor (if different from street address):	Mailing Address of Joint Debtor (if different from street address):	
Location of Principal Assets of Business Debtor (if different from street address above):		
Attorney: L. Scott Keehn, 61691 ROBBINS & KEEHN, APC 530 B Street, Suite 2400 San Diego, CA 92101 ph: 619-232-1700		

Information Regarding the Debtor (Check the Applicable Boxes)

Venue (Check any applicable box)

- ☒ Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.
- ☐ There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.

Type of Debtor (Check all boxes that apply)

- ☒ Individual(s) ☐ Railroad
- ☐ Corporation ☐ Stockbroker
- ☐ Partnership ☐ Commodity Broker
- ☐ Other _____

Chapter or Section of Bankruptcy Code Under Which the Petition is Filed (Check one box)

- ☒ Chapter 7 ☐ Chapter 11 ☐ Chapter 13
- ☐ Chapter 9 ☐ Chapter 12
- ☐ Sec. 304 - Case ancillary to foreign proceeding

Nature of Debts (Check one box)

- ☒ Consumer/Non-Business ☐ Business

Chapter 11 Small Business (Check all boxes that apply)

- ☐ Debtor is a small business as defined in 11 U.S.C. § 101.
- ☐ Debtor is and elects to be considered a small business under 11 U.S.C. § 1121(e) (Optional)

Filing Fee (Check one box)

- ☒ Full Filing Fee attached
- ☐ Filing Fee to be paid in installments (Applicable to individuals only)
 Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form No. 3.

Statistical/Administrative Information (Estimates only)

- ☒ Debtor estimates that funds will be available for distribution to unsecured creditors.
- ☐ Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.

Estimated Number of Creditors	1-15 <input checked="" type="checkbox"/>	16-49 <input type="checkbox"/>	50-99 <input type="checkbox"/>	100-199 <input type="checkbox"/>	200-999 <input type="checkbox"/>	1000-over <input type="checkbox"/>
-------------------------------	---------------------------------------------	-----------------------------------	-----------------------------------	-------------------------------------	-------------------------------------	---------------------------------------

Estimated Assets	\$0 to \$50,000 <input type="checkbox"/>	\$50,001 to \$100,000 <input type="checkbox"/>	\$100,001 to \$500,000 <input checked="" type="checkbox"/>	\$500,001 to \$1 million <input type="checkbox"/>	\$1,000,001 to \$10 million <input type="checkbox"/>	\$10,000,001 to \$50 million <input type="checkbox"/>	\$50,000,001 to \$100 million <input type="checkbox"/>	More than \$100 million <input type="checkbox"/>
------------------	---------------------------------------------	---------------------------------------------------	---------------------------------------------------------------	------------------------------------------------------	---------------------------------------------------------	----------------------------------------------------------	-----------------------------------------------------------	-----------------------------------------------------

Estimated Debts	\$0 to \$50,000 <input type="checkbox"/>	\$50,001 to \$100,000 <input type="checkbox"/>	\$100,001 to \$500,000 <input type="checkbox"/>	\$500,001 to \$1 million <input checked="" type="checkbox"/>	\$1,000,001 to \$10 million <input type="checkbox"/>	\$10,000,001 to \$50 million <input type="checkbox"/>	\$50,000,001 to \$100 million <input type="checkbox"/>	More than \$100 million <input type="checkbox"/>
-----------------	---------------------------------------------	---------------------------------------------------	----------------------------------------------------	-----------------------------------------------------------------	---------------------------------------------------------	----------------------------------------------------------	-----------------------------------------------------------	-----------------------------------------------------

THIS SPACE IS FOR COURT USE ONLY

Voluntary Petition

(This page must be completed and filed in every case)

Name of Debtor(s):

FORM B1, Page 2

Sara Newsome Burns

Prior Bankruptcy Case Filed Within Last 6 Years(If more than one, attach additional sheet)

Location

Where Filed: So. District of California

Case Number

99-00811-B13

Date Filed:

1/25/99

Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of the Debtor(If more than one, attach additional sheet)

Name of Debtor:

Case Number

Date Filed:

District:

Relationship:

Judge:

Signatures**Signature(s) of Debtor(s) (Individual/Joint)**

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X Sara J Burns
Signature of DebtorX _____
Signature of Joint Debtor

Telephone Number (if not represented by attorney)

8-11-99

Date

Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X _____
Signature of Authorized Individual

Printed Name of Authorized Individual

Title of Authorized Individual

Date

Signature of AttorneyX L. Scott Keehn
Signature of Attorney for Debtor(s)

L. SCOTT KEEHN 61691

Printed Name of Attorney for Debtor(s)

ROBBINS & KEEHN, APC

Firm Name

530 B Street, Suite 2400

Address

San Diego, CA 92101

619-232-1700

Telephone Number

Date 8-11-99

Signature of Non-Attorney Petition Preparer

I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document.

Printed Name of Bankruptcy Petition Preparer

Social Security Number

Address

X _____
Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

Signature of Bankruptcy Petition Preparer

Date

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. § 110; 18 U.S.C. § 156.

Exhibit A(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.)
Exhibit A is attached and made a part of this petition.**Exhibit B**

(To be completed if the debtor is an individual whose debts are primarily consumer debts)

I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 or title 11, United States Code, and have explained the relief available under each such chapter.

X L. Scott Keehn 8-11-99
Signature of Attorney for Debtor(s) Date

Bank America
P. O. Box 59104
Las Vegas, NV 89159-1004

Heine, Elaine
110 West C Street
San Diego, CA 92101

Proulx, Bradley
c/o Bryan Sampson
2139 First Avenue
San Diego, CA 92101

Proulx, Bradley
c/o Bryan Sampson
2139 First Avenue
San Diego, CA 92101

Rubean, Francine
4623 Kensington Drive
San Diego, CA 92116

Seitman, John
Lindley, Lazar & Scales
550 C Street, Suite 1800
San Diego, CA 92101

U. S. Department of Education
P. O. Box 746000
Atlanta, GA 30374-6000

Visa
Bank Card Services
P. O. Box 53132
Phoenix, AZ 85072-3132

Western Family Financial
P. O. Box 8000
Carlsbad, CA 92018-8000

Miscellaneous: 99-33191 Sara Newsome Burns**U.S. Bankruptcy Court
Southern District of California
Notice of Electronic Filing**

The following transaction was received from Keehn, L. Scott on 8/13/1999 at 2:01 PM PDT

Case Name: Sara Newsome Burns

Case Number: 99-33191

Document Number: 1

Docket Text:

Chapter 7 Voluntary Petition. filed by L. Scott Keehn on behalf of Sara Newsome Burns. Incomplete Filings due by 8/30/1999, Declaration re: ECF due by 8/30/1999, (Keehn, L.)

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:D:/Bk2000/burnsvp7.pdf

Electronic document Stamp:

[STAMP CASBStamp_ID=875559582 [Date=8/13/1999] [FileNumber=29162-0] [935c8b0104342fca3bee88c8517a6830d0e00433f4dedf7efbe20565f752e66e3611b9fc9128ff6a1a5fb95e0a1914e58db7171fa52361fc87d62d687628e585]]

99-33191 Notice will be electronically mailed to:

L. Scott Keehn gmr@robbins-keehn.com

99-33191 Notice will not be electronically mailed to:

EXHIBIT I

ENTERED <u>9/18/01</u>
FILED
SEP 14 2001
CLERK U.S. BANKRUPTCY COURT SOUTHERN DISTRICT OF CALIFORNIA BY <i>[Signature]</i> DEPUTY

Gary B. Rudolph, Esq. (#101921)
William P. Fennell, Esq. (#164210)
Yosina M. Lissebeck, Esq. (#201654)
SPARBER, FERGUSON, PONDER & RYAN
A Professional Law Corporation
701 "B" Street, Tenth Floor
San Diego, CA 92101
Telephone (619) 239-3600
Facsimile (619) 239-5601

Attorneys for Richard M. Kipperman, Chapter 7 Trustee

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA**

In re

) Case No. 99-33191-B7

SARA NEWSOME BURNS
(SSN 354-56-0231),

) **ORDER APPROVING EX PARTE
APPLICATION BY TRUSTEE FOR
AUTHORITY TO EMPLOY ROBBINS
& KEEHN AS SPECIAL COUNSEL**

Debtor.

Upon the foregoing ex parte application by trustee, praying for approval of the employment of Robbins & Keehn, APC as his special counsel herein; and upon the declaration of disinterest of attorneys; and it appearing that no notice of hearing on said application need be given; and the Court being satisfied that said attorneys hold and represent no interest adverse to the individual creditors herein, the debtor or the estate of the debtor, and that employment of said attorneys is necessary and in the best interest of the estate; and good cause appearing;

///

///

///

ORIGINAL

EXHIBIT I

1 IT IS HEREBY ORDERED:

2 1. That the employment by the trustee of Robbins & Keehn as his special
3 counsel in these proceedings to render services as identified in the Ex Parte Application
4 To Employ Special Counsel be and is hereby approved effective August 27, 2001;

5 2. That compensation to Robbins & Keehn, APC for professional services
6 rendered on behalf of the trustee shall, subject to further court approval after due notice
7 and hearing, and subject to the provisions of Bankruptcy Code Sections 328 and 330, be
8 on an hourly basis at the normal and customary hourly rates of said counsel and its
9 employees as said rates may be from time to time. Said attorneys shall also have the right
10 to apply for interim compensation pursuant to Bankruptcy Code Section 331; and

11 3. The provisions of Section 6148 of the Business and Professions Code
12 concerning a written fee agreement are waived, except to the extent provided in the
13 application.

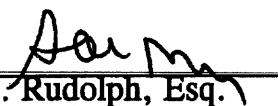
14
15 Dated: SEP 14 2001


Judge, United States Bankruptcy Court

16
17 Signature by the attorney constitutes a certification under Fed. R. Bankr. P. 9011 that the
18 relief provided by the order is the relief granted by the court.

19 Submitted by:

20 SPARBER, FERGUSON, PONDER & RYAN

21
22 By: 
Gary B. Rudolph, Esq.
23 Attorneys for Richard M. Kipperman, Trustee

24
25
26
27 In re Burns/Case No. 99-33191-B7

28 ORDER APPROVING EX PARTE APPLICATION BY TRUSTEE FOR AUTHORITY TO EMPLOY SPECIAL
COUNSEL

1 IT IS HEREBY ORDERED:

2 1. That the employment by the trustee of Robbins & Keehn as his special
3 counsel in these proceedings to render services as identified in the Ex Parte Application
4 To Employ Special Counsel be and is hereby approved effective August 27, 2001;

5 2. That compensation to Robbins & Keehn, APC for professional services
6 rendered on behalf of the trustee shall, subject to further court approval after due notice
7 and hearing, and subject to the provisions of Bankruptcy Code Sections 328 and 330, be
8 on an hourly basis at the normal and customary hourly rates of said counsel and its
9 employees as said rates may be from time to time. Said attorneys shall also have the right
10 to apply for interim compensation pursuant to Bankruptcy Code Section 331; and

11 3. The provisions of Section 6148 of the Business and Professions Code
12 concerning a written fee agreement are waived, except to the extent provided in the
13 application.

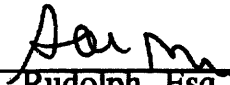
14
15 Dated: SEP 14 2001


Judge, United States Bankruptcy Court

16
17 Signature by the attorney constitutes a certification under Fed. R. Bankr. P. 9011 that the
18 relief provided by the order is the relief granted by the court.

19 Submitted by:

20 SPARBER, FERGUSON, PONDER & RYAN

21
22 By: 
23 Gary B. Rudolph, Esq.
Attorneys for Richard M. Kipperman, Trustee

24
25
26
27
28 In re Burns/Case No. 99-33191-B7

ORDER APPROVING EX PARTE APPLICATION BY TRUSTEE FOR AUTHORITY TO EMPLOY SPECIAL
COUNSEL